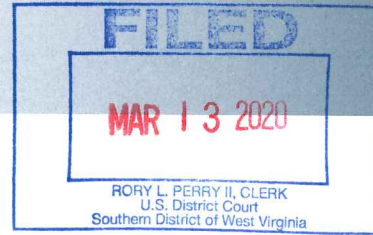




3/10/2020



IN THE US DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WV,

KOMATSU FINANCIAL LIMITED PARTNERSHIP

PLANTIFF,

VS. CIVIL ACTIONS NO. 5:18-cv-01336

KIRBY LAND COMPANY, INC

DEFENDANT,

ANSWER TO SUGGESTION

In response to the above styled suggestion, the SUGGESTEE, *Premier Bank, Inc.* answers as follows:

The SUGGESTEE, *Premier Bank, Inc.*, does currently have account(s) in the above listed name in the amount of \$1,899.52. However, these funds will not be released unless an order requesting them is received.


(BANK OFFICIAL)

**UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

**KOMATSU FINANCIAL LIMITED
PARTNERSHIP,**

Plaintiff,

V.

WRIT OF EXECUTION

CIVIL ACTION NO. 5:18-cv-01336

KIRBY LAND COMPANY, INC.

Defendant.

IN THE NAME OF THE UNITED STATES OF AMERICA:

**TO THE UNITED STATES MARSHAL
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA:**

Pursuant to judgment taken in this action on September 16, 2019, we command you that of the goods and chattels of KIRBY LAND COMPANY, INC. in your bailiwick, you cause to be made the sum of NINE MILLION FOUR HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED THIRTY-FIVE and 43/100ths DOLLARS (\$9,438,635.43), with post-judgment interest thereon at the statutory rate from September 16, 2019 until paid, which the above named KOMATSU FINANCIAL LIMITED PARTNERSHIP recovered against the named KIRBY LAND COMPANY, INC. and make your return thereof on June 2, 2020.

RORY L. PERRY II, CLERK OF COURT

DATE: March 4, 2020

By: 

Deputy Clerk



FLAHERTY | SENSABAUGH | BONASSO P.C.

CHARLESTON
CLARKSBURG
MORGANTOWN
WHEELING

Eric M. Johnson, Esq.
ejohnson@flahertylegal.com
304-205-6377

March 6, 2020

Premier Bank, Inc.
Attn: Tim Paxton
201 Pennsylvania Ave. N
Charleston, WV 25302

Re: Komatsu Financial Limited Partnership v. Kirby Land Company, Inc.
(Premier Bank Account No.: ***9331)**
Civil Action No.: 5:18-CV-01336
U.S. District Court for the Southern District of West Virginia

Dear Sir or Madam:

I write on behalf of Komatsu Financial Limited Partnership, which has obtained a judgment against Kirby Land Company, Inc. Please find enclosed a Writ of Execution issued by the Clerk of the United States District Court for the Southern District of West Virginia, and which has been delivered to the United States Marshal. This creates a lien against all intangible property of Kirby Land Company, Inc., including any deposit accounts Kirby may have with your financial institution. In addition, find attached a Suggestion recently filed with the Clerk of the United States District Court for the Southern District of West Virginia.

You are on notice that any sums your company owes to Kirby Land Company, Inc. are subject to the execution lien in favor of Komatsu. Place an immediate hold on any deposit accounts that Kirby has with your institution. Komatsu shall hold your company responsible for any sums paid to Kirby Land Company, Inc. or paid at Kirby's direction which were properly subject to Komatsu's lien.

Thank you for your attention to this matter.

Sincerely,

Eric M. Johnson

Enclosures

cc: Komatsu Financial Limited Partnership (w/enc.)
11708-52775

*Rec'd
via email
Yant
March 6, 2020*